

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Dean A. MacFarland et al.

Application No.: 10/788,821

Filed: February 27, 2004

For: SYSTEM AND METHOD FOR
FLEXIBLE ARCHITECTURE FOR
DERMATOLOGIC TREATMENTS
UTILIZING MULTIPLE LIGHT
SOURCES



Confirmation No.: 6930

Group Art Unit: 3762

Examiner: Unknown

**INFORMATION DISCLOSURE
STATEMENT**

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M/S AMENDMENT

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited
with the United States Postal Service as First Class Mail in an
envelope, addressed to: Commissioner for Patents, P.O.
Box 1450, Alexandria, VA 22313-1450 on Dec. 23, 2004.

STALLMAN & POLLOCK LLP

Dated: 12/23/2004

By:

Georgia K. Stith

Sir:

Applicant(s) submit(s) herewith patents, publications or other information [attached hereto and listed on the attached Form PTO-1449 (modified)] of which they are aware, which they believe(s) may be material to the examination of this application and in respect of which there may be a duty to disclose in accordance with 37 CFR § 1.56.

An effort has been made to provide the Examiner with material references. This effort has resulted in a relatively long list of references. Given the length of the list of references in the PTO-1449 form, some selected references from the attached PTO-1449 form are shown in the shortened list immediately following this paragraph. This shortened list is not meant to exclude other references from consideration, and indeed should not be taken as a representation that other references identified in the attached PTO-1449 form are less material. However, as of the time of submission of the this Information Disclosure Statement, the references shown in the list

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below are believed by the undersigned to be worthy of highlighting by identification in this shorter list.

- US Patent 5,405,368, inventor Eckhouse; numerous other references are shown in the attached PTO-1449 form as having Eckhouse as an inventor, and many of these references are believed to be possibly significant, and collectively these other references should be considered as part of this shorter list.
- US Patent 5,660,836 inventor Knowlton; numerous other references are shown in the attached PTO-1449 form as having Knowlton as an inventor, and many of these references are believed to be possibly significant, and collectively these other references should be considered as part of this shorter list.
- US Patent 5,735,844, inventor Anderson; numerous other references are shown in the attached PTO-1449 form as having Anderson as an inventor, and many of these references are believed to be possibly significant, and collectively these other references should be considered as part of this shorter list.
- US Patent No. 5,885,274, inventor Fullmer.
- US Patent Application 2002/0173780 A1, inventor Altshuler. Numerous other references are shown in the attached PTO-1449 form as having Altshuler as an inventor, and many of these references are believed to be possibly significant, and collectively these other references should be considered as part of this shorter list.
- Brochure by Lumenis, "VASCULight™ ELITE [Versatility and Speed for the Ultimate Aesthetic System]," Copyright 2002, the Lumenis group of companies, 2 pages in length.
- Brochure by Lumenis, "VASCULight™ VS [Versatility and Speed for the Ultimate Aesthetic System]," Copyright 2002, the Lumenis group of companies, 2 pages in length.

- Brochure by Lumenis, "VASCULight™ SR [Versatility and Speed for the Ultimate Aesthetic System]," Copyright 2002, the Lumenis group of companies, 2 pages in length.

This Information Disclosure Statement:

- (a) ☐ accompanies the new patent application submitted herewith. 37 CFR § 1.97(a).
- (b) ☐ is filed within three months after the filing date of the application or within three months after the date of entry of the national stage of a PCT application as set forth in 37 CFR § 1.491.
- (c) ☒ as far as is known to the undersigned, is filed before the mailing date of a first Office Action on the merits, or before a first office action after filing a Request for Continued Examination under § 1.114.
- (d) ☐ is filed after the first office action and more than three months after the application's filing date or PCT national stage date of entry filing but, as far as is known to the undersigned, prior to the mailing date of either a final rejection or a notice of allowance, whichever occurs first, and is accompanied by either the fee (\$180) set forth in 37 CFR § 1.17(p) or a certification as specified in 37 CFR § 1.97(e), as checked below.
- (e) ☐ is filed after the mailing date of either a final rejection or a notice of allowance, whichever occurred first, and the Issue Fee has not been paid, and is accompanied by the fee (\$130) set forth in 37 CFR § 1.17(i)(1) and a certification as specified in 37 CFR § 1.97(e), as checked below. This document is to be considered as a petition requesting consideration of the information disclosure statement.

[If either of boxes (d) or (e) is checked above, the following "certification" under 37 CFR § 1.97(e) may need to be completed.] The undersigned certifies that:

- (f) ☐ Each item of information contained in the information disclosure statement was cited in a communication mailed from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement.
- (g) ☐ No item of information contained in this information disclosure statement was cited in a communication mailed from a foreign patent office in a counterpart

foreign application or, to the knowledge of the undersigned after making reasonable inquiry, was known to any individual designated in 37 CFR § 1.56(c) more than three months prior to the filing of this information disclosure statement.

A list of the patent(s) or publication(s) is set forth on the attached Form PTO-1449 (Modified).

A copy of the items on PTO-1449 (Modified) is supplied herewith, except as noted below.

Those patent(s) or publication(s) which are marked with an asterisk (*) in the attached form PTO-1449 (Modified) are not supplied because they: (a) are either U.S. Patents or published U.S. patent applications; (b) are a U.S. patent application, the image of which is stored in the USPTO's file wrapper (IFW) system; or (c) were previously cited by or submitted to the Office in a prior application no. _____, filed _____, and relied upon in this application for an earlier filing date under 35 U.S.C. § 120.

A concise explanation of relevance of the items listed on form PTO-1449 (Modified) is:

- (h) ☒ not given
- (i) ☐ given for each listed item
- (j) ☐ given for only non-English language listed item(s) [Required]
- (k) ☐ is in the form of an English language copy of a Search Report from a foreign patent office, issued in a counterpart application, which refers to the relevant portions of the references [copy attached].

The Examiner is reminded that a "concise explanation of the relevance" of the submitted items "may be nothing more than identification of the particular figure or paragraph of the patent or publication which has some relation to the claimed invention," MPEP § 609.

While the information and references disclosed in this Information Disclosure Statement may be "material" pursuant to 37 CFR § 1.56, it is not intended to constitute an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

In accordance with 37 CFR § 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR § 1.56(a) exists. It is submitted that the Information Disclosure Statement

is in compliance with 37 CFR § 1.98 and MPEP § 609 and the Examiner is respectfully requested to consider the listed references.

- ☒ The Commissioner is hereby authorized to charge our Deposit Account No. 50-1703, under Order No. ALTU-1210, for any fees required in connection with the filing of this Information Disclosure Statement. **A duplicate copy of this Notice is enclosed for this purpose.** In particular, in the event that an Office Action has crossed in the mail with this Information Disclosure Statement, the Commissioner is authorized to charge the above-named deposit account for any fees required pursuant to CFR §§ 1.17(p) or 1.17(i)(1).

Respectfully submitted,

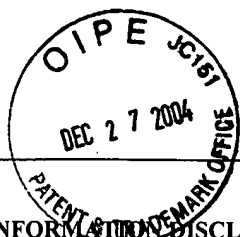
STALLMAN & POLLOCK LLP

Dated: 12-22-04

By: 

Brian J. Keating
Reg. No. 39,520

Attorneys for Applicant(s)



INFORMATION DISCLOSURE CITATION <i>(Use several sheets if necessary)</i>	Docket Number (Optional)	Application Number
	ALTU-1210	10/788,821
	Applicant(s)	
	Dean A. MacFarland	
	Filing Date	Group Art Unit
	February 27, 2004	3762

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE
	*AA	634,113	03/15/1950	Riley	81(ii)	B22	03/10/1947
	*AB	2,699,771	01/18/1955	Rüttger-Pelli	128	24.1	08/03/1950
	*AC	3,327,712	06/27/1967	Kaufman et al.	128	398	09/15/1961
	*AD	3,538,919	11/10/1970	Meyer	606	36	04/07/1967
	*AE	3,648,706	03/14/1972	Holzer	128	395	11/23/1970
	*AF	3,693,623	09/26/1972	Harte et al.	128	303.1	12/25/1970
	*AG	3,834,391	09/10/1974	Block	606	9	01/19/1973
	*AH	3,867,948	02/25/1975	Kallenborn	128	395	02/13/1973
	*AI	3,900,034	08/19/1975	Katz et al.	607	89	04/10/1974
	*AJ	4,020,383	04/26/1977	Labadini et al.	313	344	12/31/1975
	*AK	4,022,534	05/10/1977	Kishner	356	210	03/23/1976
	*AL	4,122,853	10/31/1978	Smith	606	4	03/14/1977
	*AM	4,233,493	11/11/1980	Nath	219	354	12/09/1977
	*AN	4,298,005	11/03/1981	Mutzhass	128	396	07/05/1979
	*AO	4,388,924	06/21/1983	Weissman et al.	606	9	05/21/1981
	*AP	4,461,294	07/24/1984	Baron	606	5	01/20/1982
	*AQ	4,505,545	03/19/1985	Salia-Munoz	350	321	01/21/1983
	*AR	4,539,987	09/10/1985	Nath et al.	128	303.1	06/04/1984
	*AS	4,608,978	09/02/1986	Rohr	128	303.1	09/26/1983
	*AT	4,608,990	09/02/1986	Elings	128	633	09/12/1983
	*AU	4,617,926	10/21/1986	Sutton	606	9	01/30/1984
	*AV	4,658,823	04/21/1987	Beddoe et al.	128	396	04/15/1986
	*AW	4,667,658	05/26/1987	Guibert	128	24.1	04/23/1986
	*AX	4,686,986	08/18/1987	Fenyö et al.	128	396	04/26/1982
	*AY	4,733,660	03/29/1988	Itzkan	606	9	12/10/1986
	*AZ	4,747,660	05/31/1988	Nishioka et al.	350	96.25	01/29/1987
	*BA	4,757,431	07/12/1988	Cross et al.	362	261	07/01/1986
	*BB	4,784,135	11/15/1988	Blum et al.	128	303.1	08/11/1986
	*BC	4,813,412	03/21/1989	Yamazaki et al.	128	303.13	12/30/1987
	*BD	4,819,669	04/11/1989	Politzer	132	200	11/26/1986
	*BE	4,829,262	05/09/1989	Furumoto	330	4.3	12/08/1986
	*BF	4,860,172	08/22/1989	Schlager et al.	362	32	01/19/1988
	*BG	4,884,568	12/05/1989	Hahn	128	303.1	01/03/1988
	*BH	4,917,084	04/17/1990	Sinofsky	606	7	03/10/1988
	*BI	4,930,504	06/05/1990	Diamantopoulos et al.	128	395	11/13/1987
	*BJ	4,950,880	08/21/1990	Hayner	250	201.9	07/28/1989
	*BK	4,976,709	12/11/1990	Sand	606	5	06/30/1989
	*BL	5,000,752	03/19/1991	Hoskin et al.	606	9	06/19/1989
	*BM	5,057,104	10/15/1991	Chess	606	9	05/30/1989
	*BN	5,059,192	10/22/1991	Zaias	606	9	04/24/1990
	*BO	5,139,494	08/18/1992	Freiberg	606	3	09/04/1991
	*BP	5,161,526	11/10/1992	Hellwing et al.	128	395	03/18/1991
	*BQ	5,182,857	02/02/1993	Simon	30	34.05	09/03/1991
	*BR	5,207,671	05/04/1993	Franken et al.	606	9	04/02/1991

Examiner	Date Considered
Examiner: Initial if citation considered, whether or not citation is in conformance with MPEP Section 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	

INFORMATION DISCLOSURE CITATION <i>(Use several sheets if necessary)</i>	Docket Number (Optional)		Application Number
	ALTU-1210		10/788,821
	Applicant(s)		
	Dean A. MacFarland		
Filing Date		Group Art Unit	
February 27, 2004		3762	

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE
	*BS	5,217,455	06/08/1993	Tan	606	9	08/12/1991
	*BT	5,226,907	07/13/1993	Tankovich	606	133	10/29/1991
	*BU	5,258,989	11/02/1993	Raven	372	6	09/12/1991
	*BV	5,259,380	11/09/1993	Mendes et al.	607	115	11/15/1990
	*BW	5,282,797	02/01/1994	Chess	606	9	05/28/1991
	*BX	5,290,273	03/01/1994	Tan	606	9	05/25/1993
	*BY	5,304,169	04/19/1994	Sand	606	5	08/17/1992
	*BZ	5,304,170	04/19/1994	Green	606	9	03/12/1993
	*CA	5,312,395	05/17/1994	Tan et al.	606	9	08/21/1992
	*CB	5,320,618	06/14/1994	Gustafsson	606	9	04/09/1991
	*CC	5,336,217	08/09/1994	Buys et al.	606	9	06/05/1992
	*CD	5,337,741	08/16/1994	Diamond	600	8	06/21/1991
	*CE	5,344,418	09/06/1994	Ghaffari	606	9	12/12/1991
	*CF	5,344,434	09/06/1994	Talmore	607	88	12/21/1992
	*CG	5,374,265	12/20/1994	Sand	606	5	08/06/1992
	*CH	5,397,327	03/14/1995	Koop et al.	606	17	07/27/1993
	*CI	5,405,368	04/11/1995	Eckhouse	607	88	10/20/1992
	*CJ	5,409,479	04/25/1995	Dew et al.	606	9	08/24/1992
	*CK	5,425,728	06/20/1995	Tankovich	606	9	01/19/1993
	*CL	5,441,531	08/15/1995	Zarate et al.	607	90	10/18/1993
	*CM	5,458,596	10/17/1995	Lax et al.	606	31	05/06/1994
	*CN	5,474,549	12/12/1995	Ortiz et al.	606	9	02/18/1993
	*CO	5,486,172	01/23/1996	Chess	606	20	01/31/1994
	*CP	5,511,563	04/30/1996	Diamond	128	848	02/18/1994
	*CQ	5,522,813	06/04/1996	Trelles	606	2	09/23/1994
	*CR	5,527,350	06/18/1996	Grove et al.	607	89	02/24/1993
	*CS	5,569,979	10/29/1996	Scott et al.	313	636	09/26/1994
	*CT	5,572,091	11/05/1996	Langer et al.	313	636	05/17/1995
	*CU	5,591,157	01/07/1997	Hennings et al.	606	3	09/07/1994
	*CV	5,595,568	01/21/1997	Anderson et al.	606	9	02/01/1995
	*CW	5,611,795	03/18/1997	Slatkine et al.	606	9	02/03/1995
	*CX	5,620,478	04/15/1997	Eckhouse	607	88	06/07/1995
	*CY	5,660,836	08/26/1997	Knowlton	424	400	05/05/1995
	*CZ	5,683,380	11/04/1997	Eckhouse et al.	606	9	03/29/1995
	*DA	5,735,844	04/07/1998	Anderson et al.	606	9	01/30/1996
	*DB	5,769,844	06/23/1998	Ghaffari	606	16	06/07/1995
	*DC	5,769,878	06/23/1998	Kamei	607	88	03/22/1996
	*DD	5,755,753	05/26/1998	Knowlton	607	98	05/05/1995
	*DE	5,782,895	07/21/1998	Zarate et al.	607	88	06/06/1995
	*DF	5,807,261	09/15/1998	Benaron et al.	600	473	06/07/1995
	*DG	5,810,801	09/22/1998	Anderson et al.	606	9	02/05/1997
	*DH	5,814,040	09/29/1998	Nelson et al.	606	9	05/15/1995
	*DI	5,820,625	10/13/1998	Izawa et al.	606	9	11/27/1996
	*DJ	5,830,208	11/03/1998	Muller	606	9	01/31/1997

Examiner	Date Considered
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	Applicant(s) Dean A. MacFarland	
	Filing Date February 27, 2004	Group Art Unit 3762

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE
	*DK	5,843,074	12/01/1998	Cocilovo	606	10	03/17/1997
	*DL	5,843,143	12/01/1998	Whitehurst	607	88	10/22/1993
	*DM	5,885,274	03/23/1999	Fullmer et al.	606	9	06/24/1997
	*DN	5,919,219	07/06/1999	Knowlton	607	102	08/19/1997
	*DO	5,964,749	10/12/1999	Eckhouse et al.	606	9	09/15/1995
	*DP	5,989,283	11/23/1999	Wilkens	607	88	09/25/1997
	*DQ	6,015,404	01/18/2000	Altshuler et al.	606	9	12/02/1996
	*DR	6,050,990	04/18/2000	Tankovich et al.	606	9	12/04/1997
	*DS	6,080,146	06/27/2000	Altshuler et al.	606	9	02/24/1998
	*DT	6,080,147	06/27/2000	Tobinick	606	9	06/10/1998
	*DU	6,096,066	08/01/2000	Chen et al.	607	88	09/11/1998
	*DV	6,120,497	09/19/2000	Anderson et al.	606	9	09/15/1998
	*DW	6,168,590	01/02/2001	Neev	606	9	08/11/1998
	*DX	6,171,332	01/09/2001	Whitehurst	607	89	02/09/1998
	*DY	6,228,074	05/08/2001	Almeida	606	9	10/15/1998
	*DZ	6,235,015	05/22/2001	Mead, III et al.	606	9	05/12/1998
	*EA	6,241,753	06/05/2001	Knowlton	607	99	01/05/1996
	*EB	6,273,884	08/14/2001	Altshuler et al.	606	9	05/13/1998
	*EC	6,280,438	08/28/2001	Eckhouse et al.	606	9	08/18/1997
	*ED	6,319,273	11/20/2001	Chen et al.	607	88	12/16/1999
	*EE	6,377,855	04/23/2002	Knowlton	607	101	01/06/1998
	*EF	6,381,498	04/30/2002	Knowlton	607	101	01/06/1998
	*EG	6,383,176	05/07/2002	Connors et al.	606	9	03/15/1999
	*EH	6,387,089	05/14/2002	Kreindel et al.	606	9	05/10/1999
	*EI	6,405,090	06/11/2002	Knowlton	607	102	06/30/1999
	*EJ	6,413,253	07/02/2002	Koop et al.	606	27	11/03/1998
	*EK	6,443,978	09/03/2002	Zharov	607	91	04/09/1999
	*EL	6,453,202	09/17/2002	Knowlton	607	102	09/17/1999
	*EM	6,461,866	10/08/2002	Whitehurst	435	325	11/15/2000
	*EN	6,482,199	11/19/2002	Neev	606	10/	08/02/2000
	*EO	6,485,484	11/26/2002	Connors et al.	606	9	09/10/1999
	*EP	6,508,813	01/21/2003	Altshuler	606	9	03/12/1999
	*EQ	6,511,475	01/28/2003	Altshuler et al.	606	9	08/09/2000
	*ER	6,517,532	02/11/2003	Altshuler et al.	606	9	12/28/1999
	*ES	6,524,329	02/25/2003	Benedict	607	88	03/08/2001
	*ET	6,558,372	05/06/2003	Altshuler	606	2	01/19/1999
	*EU	6,569,155	05/27/2003	Connors et al.	606	9	03/13/2000
	*EV	6,602,275	08/05/2003	Sullivan	607	88	09/18/2000
	*EW	6,605,080	08/12/2003	Altshuler et al.	606	3	03/26/1999
	*EX	6,648,904	11/18/2003	Altshuler et al.	607	96	11/29/2001
	*EY	6,653,618	11/25/2003	Zenzie	250	221	04/30/2001
	*EZ	6,663,620	12/16/2003	Altshuler et al.	606	9	01/18/2002
	*FA	6,723,090	04/20/2004	Altshuler et al.	606	9	07/02/2002

Examiner	Date Considered
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	Filing Date February 27, 2004	Group Art Unit 3762

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE
	*FB	6,743,222	06/01/2004	Durkin et al.	606	9	12/07/2000
	*FC	6,749,624	06/15/2004	Knowlton	607	104	12/20/2001
	*FD	US 2002/0055092	05/09/2002	Hochman	435	4	10/30/2001
	*FE	US 2002/0091377	07/11/2002	Anderson et al.	606	9	01/25/2001
	*FF	US 2002/0128635	09/12/2002	Altshuler et al.	606	9	01/18/2002
	*FG	US 2002/0161357	10/31/2002	Anderson et al.	606	9	12/27/2001
	*FH	US 2002/0173780	11/21/2002	Altshuler et al.	606	9	02/22/2002
	*FI	US 2002/0198575	12/26/2002	Sullivan	607	88	05/22/2002
	*FJ	US 2003/0004499	01/02/2003	McDaniel	606	3	06/29/2001
	*FK	US 2003/0023283	01/30/2003	McDaniel	607	88	11/08/2001
	*FL	US 2003/0032900	02/13/2003	Ella	601	6	05/15/2002
	*FM	US 2003/0032950	02/13/2003	Altshuler et al.	606	9	05/23/2002
	*FN	US 2003/0045916	03/06/2003	Anderson et al.	607	89	08/20/2002
	*FO	US 2003/0055413	03/20/2003	Altshuler et al.	606	9	07/02/2002
	*FP	US 2003/0055414	03/20/2003	Altshuler et al.	606	9	10/21/2002
	*FPI	US 2003/0057875	03/27/2003	Inochkin et al.	351	224	10/09/2002
	*FQ	US 2003/0065313	04/03/2003	Koop et al.	606	9	05/31/2002
	*FR	US 2003/0065314	04/03/2003	Altshuler et al.	606	9	09/17/2002
	*FS	US 2003/0125788	07/03/2003	Long	607	133	10/28/2002
	*FT	US 2003/0130709	07/10/2003	Constance Haber D.C. et al.	607	88	06/26/2002
	*FU	US 2003/0195494	10/16/2003	Altshuler et al.	606	9	04/17/2003
	*FV	US 2003/0199859	10/23/2003	Altshuler et al.	606	9	05/21/2003
	*FW	US 2004/0010298	01/15/2004	Altshuler et al.	607	88	12/27/2002
	*FX	US 2004/0024388	02/05/2004	Altshuler	606	2	04/07/2003
	*FY	US 2004/0034319	02/19/2004	Anderson et al.	604	20	03/12/2003
	*FZ	US 2004/0093042	05/13/2004	Altshuler et al.	607	88	06/19/2003
	*GA	US 2004/0147985	07/29/2004	MacFarland et al.	607	90	01/27/2003

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	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
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IS	Brochure by Lumenis, "VASCULight™ VS [Versatility and Speed for the Ultimate Aesthetic System]," Copyright 2002, the Lumenis group of companies, 2 pages in length.
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